

REMARKS

In response to the final Office action of December 28, 2005, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-97 are now pending, of which claims 1, 36, 39, 44, 53-55, 64-66 and 73 are independent.

Allowable Subject Matter (Claims 36-43, 53, 54, 64, 65 and 70-72) and Claims 34 and 83-97

Applicant acknowledges with appreciation the Examiner's indication that claims 36-38, 53, 64 and 70-72 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims. See Office action of Dec. 28, 2005 at page 20, lines 2-4. In response, claims 36, 53 and 64 have been rewritten in independent form to include all limitations of their respective base claims. None of the rewritten independent claims 36, 53 and 64 had intervening claims. In addition, claims 83-86 have been added to depend, directly or indirectly, from rewritten independent claim 36, and each recites subject matter similar to subject matter found in original claims 2-5, respectively. Claims 87-90 have been added to depend, directly or indirectly, from rewritten independent claim 53, and each recites subject matter similar to subject matter found in original claims 45-48, respectively.

Applicant also acknowledges with appreciation the Examiner's indication that claims 39-43, 54, and 65 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims. See Office action of Dec. 28, 2005 at page 20, lines 12-14. In response, claims 39, 54 and 65 have been rewritten in independent form to include all limitations of their respective base claims. None of the rewritten independent claims 39, 54 and 65 had intervening claims. In addition, claims 91-94 have been added to depend, directly or indirectly, from rewritten independent claim 39, and each recites subject matter similar to subject matter found in original claims 2-5, respectively. Claims 95-97 have been added to depend, directly or indirectly, from rewritten independent claim 54, and each recites subject matter similar to subject matter found in original claims 45, 46 and 48, respectively.

Dependent claim 43 has been amended to indicate the claim from which it depends.

Applicant asserts that no new matter has been introduced by any of these amendments.

Accordingly, Applicant submits that independent claims 36, 39, 53, 54, 64 and 65 are allowable, as are their respective dependent claims 37, 38, 40-43, 70-72 and 83-97.

Rejections of Claims 1-6, 8-10, 16-22, 25-27, 29-34, 44-48, 50-52, 55-59, 61-63, 66-69 and 73-82 Under Section 103

Claims 1-6, 8-10, 16-22, 25-27, 29-34, 44-48, 50-52, 55-59, 61-63, 66-69 and 73-82 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman (U.S. Patent No. 6,714,791) in view of Hendrey et al. (U.S. Patent Application No 2003/0060214).

Applicant respectfully requests reconsideration and withdrawal of the rejection because Friedman and Hendrey, either alone or in combination, fail to describe or suggest all of the features of independent claims 1, 44, 55, 66 and 73. For example, Friedman and Hendrey fail to describe or suggest "a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period," as recited in claims 1, 44, 55, and 66. Nor does Friedman and Hendrey describe or suggest "a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein the notification setting information defines a duration and specifies at least one of a beginning and an end of the duration," as recited in claim 73.

Claims 1-6, 8-10, 16-22, 25-27, 29-34 and 67

Independent claim 1 recites a method that is performed at least partially on a computer and provides notification information corresponding to a communication identity. The method includes accessing notification setting information stored in a storage medium that identifies a temporal condition. The temporal condition includes at least one temporal period during which notification information is to be provided or withheld. A beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period. The method also includes determining whether the temporal condition is satisfied, and controlling dissemination of notification information related to the communications identity based on whether the temporal condition is satisfied.

Friedman describes providing information identifying locations of users of an instant messaging system. See Friedman at col. 12, line 60 to col. 13, line 1. Each of the users maintains a contact list including identifiers of other users with whom the user regularly communicates, and the user may associate conditions with one or more users or groups of users

included in the contact list. The condition may determine whether the corresponding users or groups of users are to be provided with information identifying the location of the user. See Friedman at col. 13, lines 1-3. Furthermore, the condition may determine a granularity or precision with which the location information is provided to the corresponding users. For example, location information may be provided by city, zip code, area code, or latitude and longitude. See Friedman at col. 13, lines 17-21.

The Office action acknowledges that "Friedman does not teach a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period." See Office action of Dec. 28, 2005 at page 3, lines 18-21. For this feature, the Office action relies on Hendrey.

In response to the Applicant's arguments filed on October, 13, 2005, the Office action references paragraph 0068 of Hendrey as disclosing "a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period." See Office action of Dec. 28, 2005 at page 21, line 21 to page 22, line 4. Applicant respectfully disagrees.

Hendrey's paragraph 0068 reads, in pertinent part, "to address privacy concerns, the [user's] instruction could be 'take this ListNearbyUsers and execute it only between the hours of 9:00 a.m. and 9:00 p.m., on Monday thru Friday (or any other time) when I am not at work (or any other location).'" ListNearbyUsers is a request that "searches the state/attribute database 106 for locations of nearby users and evaluates the locations in view of the user's preferences, including the user's visibility to other user requests." See Hendrey at paragraph 0049. Thus, ListNearbyUsers is a query that searches a database for the locations of nearby users and then evaluates the locations of the other users depending on the requesting user's preferences. More particularly, paragraph 68 of Hendrey describes allowing a user to restrict their own execution of ListNearbyUsers during a particular time period and depending on whether the requesting user is in a particular location. Thus, the referenced portion of Hendrey discloses a limitation on a user's execution of queries to get the locations of other users.

In doing so, however, Hendrey does not suggest controlling the dissemination of notification information. As previously pointed out and in contrast to the relied-upon teachings of Hendrey, claim 1 recites “a temporal condition including at least one temporal period during which notification information is to be provided or withheld.” As such, Hendrey does not describe or suggest accessing notification setting information stored in a storage medium that identifies a temporal condition including at least one temporal period during which notification information is to be provided or withheld, where a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period, as recited in claim 1.

The Office action also references paragraph 0050 of Hendrey as disclosing “a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the beginning of the temporal period.” See Office action of Dec. 28, 2005 at page 3, line 22 to page 4, line 4. Applicant respectfully disagrees. The referenced paragraph of Hendrey reads, in pertinent part, “a user can specify a rule that when the user is home, the user is invisible to ListNearbyUsers 306 requests made by other users.” As such, the referenced section of Hendrey describes making a user invisible to other users based on a location of the user (e.g., whether the user is at home). More particularly, the cited section of Hendrey describes enabling other users to determine the location of the user relative to the other users based on the location of that user. In contrast, claim 1 recites controlling dissemination of notification information related to a communications identity based on whether the temporal condition is satisfied, where the temporal condition includes a temporal period during which notification information is to be provided or withheld.

As Hendrey does not describe or suggest a temporal condition including at least one temporal period during which notification information is to be provided or withheld, Hendrey necessarily cannot describe or suggest the temporal period being specified in the notification setting information in advance of the beginning of the temporal period, as recited in claim 1.

Consequently, Friedman, Hendrey, or any proper combination of the references, does not describe or suggest “a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein a beginning and an end of the at least one temporal period are specified in the notification setting information in advance of the

beginning of the temporal period,” as recited in claim 1. Applicant therefore submits that the Office action has not properly made a prima facie case of obviousness. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims 2-6, 8-10, 16-22, 25-27, 29-34 and 67.

Claims 44-48, 50-52, 55-59, 61-63, 66, 68 and 69

Independent claims 44, 55 and 66 each recite features similar to those of independent claim 1. Independent claim 44 recites similar features in the context of a computer-readable medium, as do independent claims 55 and 66 in the context of a system. Because independent claims 44, 55 and 66 recite features that are similar to claim 1, they are allowable for at least the reasons that claim 1 is allowable. Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 44, 55, and 66 as well as claims 45-48, 50-52, 56-59, 61-63, 68 and 69 that depend from claims 44 and 55, respectively.

Claims 73-82

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 73 because Friedman and Hendrey, either alone or in combination, fail to describe or suggest all of the features of independent claim 73. For example, Friedman and Hendrey fail to describe or suggest “a temporal condition including at least one temporal period during which notification information is to be provided or withheld, wherein the notification setting information defines a duration and specifies at least one of a beginning and an end of the duration,” as recited in claim 73.

Independent claim 73 recites a method, performed at least partially on a computer, for providing notification information corresponding to a communication identity. The method includes accessing notification setting information stored in a computer storage medium that identifies a temporal condition. The temporal condition includes at least one temporal period during which notification information is to be provided or withheld. The notification setting information defines a duration and specifies at least one of a beginning and an end of the duration. The method also includes determining whether the temporal condition is satisfied, and controlling dissemination of notification information related to the communications identity based on whether the temporal condition is satisfied.

For at least the reasons noted above with respect to claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 73 and its dependent claims 74-82.

Rejection of Claim 7 Under Section 103

Claim 7, which depends from independent claim 1, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Barclay (U.S. Patent Application No. 2003/0119522). As discussed above with respect to independent claims 1, 44, 55, and 66, Friedman and Hendrey, either alone or in combination, fail to describe or teach the features in the independent claims. Barclay describes providing location information to parties participating in a telephone call on a subscription or ad hoc basis. See Barclay at Abstract. Barclay, however, does not cure the failure of Friedman, Hendrey or any proper combination of the references to describe or suggest the subject matter of the independent claims. Nor does the Office Action contend Barclay does so. For at least this reason, and based on its dependency from independent claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7.

Rejection of Claims 11-15, 49, and 60 Under Section 103

Claims 11-15, 49, and 60, which depend, respectively, from independent claims 1, 44, and 55, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Gudjonsson et al. (U.S. Patent No. 6,564,261). Gudjonsson describes, "A network [that] provides users with a simple and secure way of establishing communication sessions with other users or services, running either over IP networks or other networks, e.g., PSTN." See Gudjonsson at Abstract. Gudjonsson, however, does not remedy the failure of Friedman, Hendrey or any proper combination of the references to describe or suggest the subject matter of the independent claims. Nor does the Office Action contend Gudjonsson does so. For at least this reason, and based on their dependency from independent claims 1, 44, and 55, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11-15, 49, and 60.

Rejection of Claims 23 and 24 Under Section 103

Claims 23 and 24, which depend from independent claim 1, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Karstens (U.S. Patent Application No. 2005/0071435). Karstens describes the expiration of users, for example, from an instant messaging contact list based on a lack of instant messaging activity. See Karstens at Abstract. Karstens, however, does not remedy the failure of Friedman, Hendrey or any proper combination of the references to describe or suggest the subject matter of the independent claim. Nor does the Office Action contend Karstens does so. For at least this reason, and based on their dependency from independent claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 23 and 24.

Rejection of Claim 28 Under Section 103

Claim 28, which depends from independent claim 1, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Rahman et al. (U.S. Patent No. 6,463,292). Rahman describes redirecting alert messages received at a mobile station based on user input. See Rahman at Abstract. As such, Rahman fails to remedy the deficiency of Friedman, Hendrey or any proper combination of the references to describe or suggest the subject matter of the independent claims. Nor does the Office Action contend Rahman does so. For at least this reason, and based on its dependency from independent claim 1, Applicant respectfully requests withdrawal of the rejection of claim 28.

Rejection of Claim 35 Under Section 103

Claim 35, which depends from independent claim 1, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of deCarmo (U.S. Patent Application No. 2004/0010808). deCarmo describes, "a system that manages a user's presence and allows the user to participate in instant messaging without unnecessarily distracting the user from the interactive video/multimedia experience." See deCarmo at paragraph 0005. deCarmo, however, fails to remedy the failure of Friedman, Hendrey or any proper combination of the references to describe or suggest the subject matter of the independent claims. Nor does the Office Action contend deCarmo does so. For at least this reason, and

based on its dependency from independent claim 1, Applicant respectfully requests withdrawal of the rejection of claim 35.

Conclusion

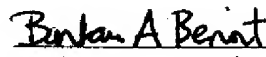
It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$2250.00 in payment of the for excess claim fees is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 28, 2006


Barbara A. Benoit
Reg. No. 54,777

Customer No.: 26171
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40319633.doc